

01-23-02

SDCO PCT #8

EXPRESS MAIL CERTIFICATE

JC07 Rec'd PCT/PTO 17 JAN 2002

Date 1/17/02 Label No. 6767722755-45

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

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B.W. LEE B.W. Lee
Name (Print) Signature

Customer No.:



Docket No.: 6727/OK097

07278

PATENT TRADEMARK OFFICE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Lewis COLMAN

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Serial No.: 10/009,845

Filed: December 7, 2001

For: **INFRA-RED LIGHT SOURCE**

January 17, 2002

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it

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is filed: (Check one of the boxes A-D)

- ☒ A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
- ☐ B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
- ☐ C. after (A) and (B) above, but before the mailing date of a final rejection, a notice of allowance, or any other action that closes prosecution, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- ☐ i. Counsel states that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☐ ii. A check for the fee set forth in 1.17(p), presently believed to be \$180, is enclosed.
- ☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Counsel states that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☐ i. A check for the fee set forth in 1.17 (p), presently believed to be \$180, is enclosed.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

Docket No. 6727/OK097

- ☐ A. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- ☐ B. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

[SERIAL NO. & FILING DATE].

Applicant Identifies these documents by attaching hereto copies of the forms PTO-892 and PTO- 1449 from the files of the prior application(s) or a fresh PTO- 1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

☒ 3. Documents German Patent Nos. DE 19714903 and DE 19735599 are not in the English language. In accordance with 1.98(c), Applicant states:

- ☒ An English translation of each document German Patent Nos. DE 19714903 and DE 19735599 (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.
- ☐ A concise explanation of the relevance of document(s) _____ is found in the attached search report (see MPEP § 609 A(3)x).
- ☐ A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]
- ☐ A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.
- ☐ A concise explanation of document(s) _____ can be found on the attached sheet.

☐ 4. No explanation of relevance is necessary for documents in the English language (see MPEP § 609 A(3)).

☐ 5. Other information being provided for the examiner's consideration follows:

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS

should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless other-wise indicated, the date of publication indicated for an item is taken from the face of' the item and Applicant reserves the right to prove that the date of publication is in fact different.

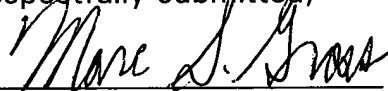
CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

(1) U.S. Patent Application Serial No. 09/542,768, filed April 4, 2000.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,



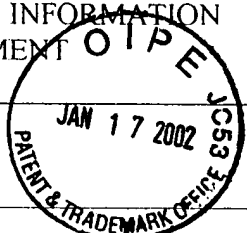
Marc S. Gross

Registration No. 19,614

Attorney for Applicant(s)

DARBY & DARBY P.C.
805 Third Avenue
New York, N.Y. 10022
(212) 527-7700

FORM PTO-1449 (Colb)	ATTY DOCKET NO. 6727/0K097	SERIAL NUMBER 10/009,845
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Lewis COLMAN	
	FILING DATE December 7, 2001	GROUP ART UNIT (N/A)



U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	1	5,962,335	Oct. 1999	Katzman			
	2	5,944,670	Aug. 1999	Katzman			
	3	5,300,859	Apr. 1994	Yatsiv, et al.			
	4	5,657,750	Aug. 1997	Colman, et al.			
	5	4,756,000	Jul. 1988	Macken			
	6	4,684,805	Aug. 1987	Lee, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	7	WO 99/12471	Mar. 1999	PCT			
	8	WO 99/14576	Mar. 1999	PCT			
	9	WO 98/21579	May 1998	PCT			

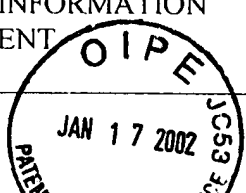
OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

	10	Israeli, E. et al., "Continuous, Real Time Measurement with a Novel ¹³ C-Breath Analyzer: Faster Urea Breath Test Results with High Accuracy", <i>Gastroenterology</i> , Vol. 116(4), April 1999, page a-195.
	11	NASA, "Low-Temperature Oxidation Catalysts", Oct. 1995, pp. 1-2, http://tag-www.larc.nasa.gov/tops .
	12	Schoeller, et al., " ¹³ C Abundances of Nutrients and the Effect of Variations in ¹³ c Isotopic Abundances of Test Meals Formulated for ¹³ CO ₂ Breath Test I-3", <i>American Journal of Clinical Nutrition</i> , Chap. 33, November 1980, pp. 2375-85.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	13	Re 33,493	Dec. 1990	Lee, et al.			
	14	5,543,621	Aug. 1996	Sauke, et al.			
	15	5,640,014	Jun. 1997	Sauke, et al.			
	16	5,146,294	Sep. 1992	Grisar, et al.			
	17	5,479,019	Dec. 1995	Gross			
	18	5,747,809	May 1998	Eckstrom			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	19	WO 96/14091	May 1996	PCT			
	20	EP 0 253 927	Jan. 1988	Europe			
	21	EP 0 860 170	Mar. 2000	Europe			

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

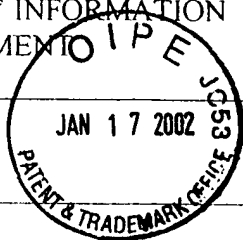
	22	"The ABC-NT Gas Isotope Ratio Mass Spectrometer", 510(k) Summary, K974322, November 1997, pp. 1-9.
	23	Kalach, et al. "The ¹³ Carbon Urea Breath Test for the Noninvasive Detection of Helicobacter pylori in Children: Comparison with Culture and Determination of Minimum Analysis Requirements", Journal of Pediatric Gastroenterology and Nutrition, Vol. 26, March 1998, pp. 291-296.
	24	STC Catalysts, Inc., "Catalysts for Long-Life CO ₂ Lasers", Nov. 1996, pp. 1-4, http://www.stcnet.com .

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U.S. PATENT DOCUMENTS

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	25	5,486,699	Jan. 1996	Fabinski, et al.			
	26	5,964,712	Oct. 1999	Kubo, et al.			
	27	5,818,580	Oct. 1998	Murnick			
	28	4,757,512	Jul. 1988	Macken			
	29	4,390,483	Jun. 1983	Willems, et al.			
	30	4,490,482	Dec. 1984	Mathieu			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	31	GB 1 591 709	Jun. 1981	Great Britain			
	32	DE 19714903	Oct. 1998	Germany			
	33	WO 98/30888	Jul. 1998	PCT			

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

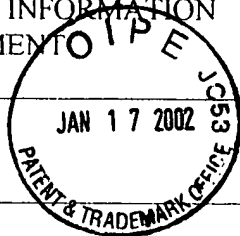
	34	U.S. Patent Application No.: 08/961,013, entitled: "FLUID ANALYZER WITH TUBE CONNECTOR VERIFIED", filed October 30, 1997.
	35	Graham, D. Y. et al., "Citric Acid as the Test Meal for the 13C-Urea Breath Test", American Journal of Gastroenterology, Vol. 94, May 1999, pp. 1214-1217.
	36	Alimetrics, "Pylori-Check Breath test kit", 08-0190 Rev 0C, USA, 1999, pp. 1-18.

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	37	4,639,432	Jan. 1987	Holt, et al.			
	38	6,067,989	May 2000	Katzman			
	39	6,106,479	Aug. 2000	Wunderlich, et al.			
	40	4,732,435	Feb. 1988	Huszczuk			
	41	4,680,956	Jul. 1987	Huszczuk			
	42	6,096,558	Aug. 2000	Stock			
	43	4,448,058	May 1984	Jaffe, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	44	DE 19735599	Mar. 1999	Germany			
	45	EP 0 415 600	Mar. 1991	Europe			

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

46	Oridion Medical Ltd., "BreathID Profile", pp. 1-8, Feb. 1999, Israel.
47	Haisch, "Quantitative Isotope-Selective Infra-Red Spectroscopy for Determining the Isotopic Ratio of Carbon Dioxide in Breath", Haisch Inaugural Dissertation, Heinrich Heine Universitaet, Duesseldorf, 1995, pp. 1-10. (A translation).
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